

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

**DIONNE EVETTE WILLIAMS,
DEBTOR**

**CASE NO. 18-04440-5-DMW
CHAPTER 13**

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

NOW COMES the Chapter 13 Trustee, and hereby moves for entry of an order denying confirmation of the Debtor's chapter 13 plan ("Plan") by finding it does not comply with the provisions of 11 U.S.C. §§ 1322 and or 1325, and further directing that the Debtor shall have 14 days to file an amended chapter 13 plan. The basis for this objection is set forth below:

1. The plan fails to satisfy the requirements of 11 U.S.C. § 1325(b)(1)(B) in that it will not pay all of the Debtor's projected disposable income to be received during the applicable commitment period, to wit: The Debtor's applicable commitment period is 36 months, and her Schedule J indicates she has a monthly expense of \$55.00 as part of an agreement with the North Carolina Department of Revenue ("NCDOR"). Her chapter 13 plan proposes to pay an unsecured priority debt to NCDOR in the amount of \$1,246.40. To the extent the \$55.00 expense listed on Schedule J is for the same debt the Debtor proposes to pay in her chapter 13 plan through the Trustee, the \$55.00 expense listed on Schedule J should be removed, thereby increasing her monthly net income and her plan payment to \$452.00.
2. To the extent the Debtor is reducing her monthly net income on Schedule J, and her plan payment amount, by an expense amount which will not exist during the pendency of this case, the plan is not being proposed in good faith. 11 U.S.C. § 1325(a)(3).
3. The plan as proposed by the Debtor is infeasible because it is not funded to satisfy all claims scheduled to be paid through Trustee disbursements.

WHEREFORE, based upon the foregoing, the Trustee respectfully requests that the Court deny confirmation of the Plan, grant the Debtor fourteen days to file an amended chapter 13 plan, and for any other relief the Court deems just and proper.

DATED: November 9, 2018

/s/ John F. Logan
John F. Logan, Chapter 13 Trustee
N.C. State Bar No. 12473
P.O. Box 61039
Raleigh, NC 27661-1039
Telephone: (919) 876-1355

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CERTIFICATION OF SERVICE

I, Amanda Sebring, of P.O. Box 61039, Raleigh, N.C. 27661-1039, do certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and

That I have this day served copies of the foregoing Objection to Confirmation on the parties listed below by depositing a copy of the same in the United States mail bearing sufficient postage, or if such interested party is a Filing User, by serving such interested party by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

DATED: November 9, 2018

/s/ Amanda Sebring
Amanda Sebring
Case Administrator

By U.S. Mail:

DIONNE EVETTE WILLIAMS
POST OFFICE BOX 1241
MORRISVILLE, NC 27560

By CM/ECF:

TRAVIS SASSER
LAW OFFICE OF TRAVIS SASSER
2000 REGENCY PARKWAY, SUITE 230
CARY, NC 27518